Kansas Department of Agriculture Division of Water Resources

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	CHANGE: P/D	WORKSHI
Occument Signature		

1. File Number: RN 020	2. Status Change Date: 9 19 2016	3. Change Num:	4. Field Office:	5. GMD: 02
6. Status: ⊠ Approved □ D	enied by DWR/GMD	☐ Dismiss by Requ	est/Failure to Return	7. Filing Date of Change:
8a. Applicant(s) New to system □	Person ID Add Seq#	8c. Landown New to sy		Person IDAdd Seq#
CARGILL INC RANDY SCHAWE PO BOX 1403 HUTCHINSON KS 675	04			
8b. Landowner(s) New to system □	Person ID 2529 Add Seq# 2	8d. WUC New to sy	rstem 🗌	Person ID <u>2529</u> Add Seq# <u>1</u>
CARGILL INC HUTCHINSON 1001-A2 PO BOX 6032 FARGO ND 58108-603		QUALI PO BO	LL INC TY CONTROL MG X 1403 HINSON KS 67504	
9. Documents and Enclosure(s):	DWR Meter(s) Date to Cor	nply: <u>12/31/1</u>	6 ⊠ N & P Date t	o Comply: 12/31/16
□ Anti-Reverse Meter □ Met Letter	er Seal 🛮 🖾 Check Valve	N&PForm	☑ Water Tube ☑	Driller Copy ☐ H & E
☐ Conservation Plan Date Rec	uired:	Date Approved:	Date	to Comply:
10. Use Made of Water From:			0:	
			Date Prepared: 8/10 Date Entered: 9 \ 1	/16 ву: LI 12016 ву: ШМ

File No	. RN 0	20	11. Count	ty: RN		Basin: /	ARKAI	NSAS	RIVER	R		s	tream:							Fo	ormation (Code: 113	Special Use:	
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KANSAS DEPARTMENT OF AGRICULTURE **Division of Water Resources**

<u>MEMORANDUM</u>

TO: Files DATE: September 7, 2016

FROM: Leslie Ireland RE: Vested Right,

File No. RN 020

Evan L. Moodie on behalf of Cargill Incorporated, owner of the place of use filed an application on April 25, 2016, for approval to change a point of diversion authorized for industrial use.

The subject Vested Right appears not to be abandoned as per K.S.A. 82a-718 and in compliance with K.S.A. 82a-732. It appears to be a complete application per K.A.R. 5-5-2a, Complete change application.

The referenced file authorizes 1,200 million gallons (3,683 acre-feet) per year at a maximum rate of 4,670 gallons per minute (10.40 c.f.s.) from five (5) wells all in Section 19. Township 23, Range 5 West, Reno County for industrial use. The right has no overlaps and is not indicated to be in a special use area. It is located within the boundaries of the Equus Beds Groundwater Management District No. 2.

The owners propose to drill a new well and plug the existing well. The source of supply for the right has been determined to be Main Stem Alluvium, (Code 113) of the Arkansas River and Equus Beds (Code 190). The wells all appear to be less than 100 feet deep and have static water levels ranging from 15 to 56 feet. The requested change will move the authorized point of diversion approximately 60 feet to the South.

The new well is proposed to be drilled in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE¼ NE¼ NW¼) at 4,023 feet North and 3,140 feet West of the Southeast corner of Section 19, Township 23, Range 5 West, Reno County. My discussion with Randy Schawe, Cargill indicated that the well will be still called Well # 7. The old authorized well located near the center of the East half of the Northwest Quarter (E½ NW½) of Section 19, approximately 4,083 feet North and 3,140 feet West of the Southeast corner will be The well plugging agreement, as required by GMD2, was received on August 8. 2016. It was signed by Greg Dodson on behalf of Darling Drilling, Hutchinson, Kansas.

The existing point of diversion is located approximately 7,600 feet from the center line of the Arkansas River. The change will reduce this distance to approximately 7,540 feet, reducing the distance by less than one(1) percent. The change will move the point of diversion away from Cow Creek. The requested change complies with K.A.R. 5-5-13, Relocating of alluvial wells.

The proposed distance to move the authorized point of diversion does not exceed the 2,640 feet maximum distance as detailed in K.A.R. 5-22-8, Change applications. The proposed change is relocation the well less than 300 feet from the currently authorized well therefore the proposal is not subject to K.A.R. 5-22-2, Well spacing requirements. It does appear that the proposed well meets the required spacing to the nearby domestic wells as the owner of the right owns all of the property within 1,000 feet of the proposed well.

The change in point of diversion will move the right to divert less than 300 feet, so no informational letters were sent and the Equus Beds Groundwater Management District No. 2 was not required to be contacted for a recommendation.

File No. RN 020 Page 2

The application listed old legal descriptions which were updated on the application. The four other points of diversion will not be updated or altered by the approval.

Cameron Conant, Assistant Water Commissioner indicated in an email dated August 31, 2016, that this type of change does not require a review and recommend of the field office for approval of the change.

Water flowmeters are required according to KSA 82a-706c. A water level measurement tube and WWC-5 log will be conditions of the approval. A check valve will be required if the owners are chemigating.

Based on the above discussion, the change appears to be reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change and filed prior to this change request that may be affected by this approval and that no change in the local source of supply will occur, it is recommended that the application for change under File No. RN 020 be approved.

Leslie Ireland

Environmental Scientist

Water Appropriation Program

1320 Research Park Drive Manhattan, Kansas 66502 (785) 564-6700



900 SW Jackson, Room 456 Topeka, Kansas 66612 (785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

CARGILL INC RANDY SCHAWE PO BOX 1403 HUTCHINSON KS 67504

September 20, 2016

RE: Vested Right, File No. RN 020

Dear Mr. Schawe:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

It is a condition of the Approval that the water right owner submits to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment. The copy of the well log, currently form WWC-5, must be submitted within 30 days following the drilling of the well at the authorized location.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

If you have any questions, please contact Leslie Ireland at (785)564-6633, or your area field office at (620) 234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Change Application Unit Supervisor

BAT:LI:li Enclosure(s)

pc: Stafford Field Office

Groundwater Management District No. 2



FILE COPY

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION VESTED RIGHT FILE NO. RN 020

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Evan L. Moodie, on behalf of Cargill Inc., PO Box 1403, Hutchinson, Kansas 67504, received on April 25, 2016, for approval of a change in the point of diversion under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 6220, Reno County, now identified as Vested Right, File No. RN 020, as modified and amended by the Orders of the Chief Engineer dated, March 21, 1983; September 6, 1991; June 10, 2002 and July 11, 2012, approving the applications to change the location of the points of diversion, and by the Order of the Chief Engineer dated November 20, 1992, approving the application to change the location of the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the points of diversion shall be:

one(1) well located near the center of the South Half of the North Half of the Northwest Quarter (5½ N½ NW¼) of Section 19, more particularly described as being near a point 4,338 feet North and 4,054 feet West of the Southeast corner of said section, identified as Well #5, and

one(1) well located near the center of the North Half of the North Half of the Northwest Quarter (N½ N½ NW¼) of Section 19, more particularly described as being near a point 5,090 feet North and 4,077 feet West of the Southeast corner of said section, identified as Well #6, and

one(1) well located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE¼ NE½ NW½) of Section 19, more particularly described as being near a point 4,023 feet North and 3,140 feet West of the Southeast corner of said section, identified as Well #7, and

one(1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 19, more particularly described as being near a point 3,946 feet North and 4,478 feet West of the Southeast corner of said section, identified as Well #8, and

one(1) well located near the center of the Northwest Quarter (NW $\frac{1}{2}$) of Section 19, more particularly described as being near a point 4,098 feet North and 4,085 feet West of the Southeast corner of said section, identified as Well #9.

all in Township 23 South, Range 5 West, Reno County, Kansas.

located substantially as shown on the topographic map accompanying the application to change the points of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2016, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the new well at the location authorized herein.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. RN 020, is as stated and set forth in the vested right order executed by the Chief Engineer on June 9, 1954, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

Ordered this 19th day of September, 2016, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

SS

County of Riley

The foregoing instrument was acknowledged before me this \(\frac{1}{2} \) day of the beauty, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Notary Public

CERTIFICATE OF SERVICE

On this 20 day of September, 2016, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Vested Right, File No. RN 020, dated September 19, 2016 was mailed postage prepaid, first class, US mail to the following:

Cargill Incorporated Randy Schawe PO Box 1403 Hutchinson, KS 67504

With photocopies to:

Stafford Field Office Groundwater Management District No. 2

Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE OF THE WATER UNDER AN EXISTING WATER RIGHT



5/3/2016 LIM

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

		
1.	Application is hereby made for approval of the Chief Engineer to change the Place of Use	WATER RESOURCES RECEIVED
	(Check one or more) 📈 Point of Diversion	APR 2 5 2016
	☐ Use Made of Water 7 N 2-D	12:38
	20.00	KS DEPT OF AGRICULTURE
	File No	
2.	Name of applicant: Caraill Inc.	
	Address: <u>PO Box 140_3</u>	
	City, State and Zip: Hutchinson, KS 67504	
	Phone Number: (620) 663-2141 E-mail address: Rand	y - Schawe @ caraill.co
	What is your relationship to the water right; ⊠ owner □ tenant □ agent □ othe	•
	what is your relationship to the water right, 🔀 owner 🗀 tenant 🗀 agent 🗀 other	i i i otilei, piease explain.
	Name of water use correspondent:	
	Address:	
	City, State and Zip:	
	Phone Number: () E-mail address:	
3.	The change(s) proposed herein are desired for the following reasons (please be specification is apparently damaged and the we Propose to move point of diversion be	cific): The current point of
	Propose to move point of diversion be	o feet to the south
	The change(s) (was) (will be) completed by	016
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F.	or Office Use Only: O GMD Meets K.A.R. 5-5-1(YES) NO) Use Source(G/S County) Ode Fee \$ 100 TR # Receipt Date	ty PN By ANW Date 4/25/16 Check # 2009(6044)
	VR 1-120 (Revised 06/16/2014) APPLICATION COMPLETE 6043647 Reviewer 15 ASW	
D۷	VR 1-120 (Revised 06/16/2014) Reviewer 150 V	Assisted by:
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RN 020 P

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	RN 020 ×
	Water Right No 000 File No. 20-00
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6.	The presently authorized point(s) of diversion (is) (are) well #5, Well #7, Well #8, 4 Well #6. (Provide description and number of points)
7.	The proposed point(s) of diversion (is) (are) Change point of diversion for Well #7. (Provide description and number of points)
	List all presently authorized point(s) of diversion:
8.	Presently authorized point of diversion: Well # 5 NC S2 N2 NW (*)
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	of Section 17 , Township α South, Range 5 (EW),
l	in <u>RENO</u> County, Kansas, <u>4338</u> feet North <u>4054</u> feet West of Southeast corner of section.
	Authorized Rate Authorized Quantity (DWR use only: Computer ID No 2 GPS feet North feet West)
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ĺ	Proposed point of diversion: (Complete only if change is requested)
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9. [Presently authorized point of diversion: Well #6 NCN2 N2 NW ®
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RN 020 .

12.			resently authorized use of water is fori oposed that the use be changed to		purposes	s. purposes.	
13.		nang	nging the place of use and/or use made of water ∧/ A	, describe how the cons			
	-		e show any calculations here.)		۸۱۸		
			quested that the maximum annual quantity of wa				
15.	It is	req	quested that the maximum rate of diversion of w	vater be reduced to	<i>N </i>	allons per minute (c.f.s.).
16.	1:24 Kar Dis	4,00 nsas tanc ould	pplication must include either a topographic ma 100, is available through the Kansas Geologica Is 66047-3726 (www.usgs.gov). The map shounces North and West of the Southeast corner of It also be shown. Identify the center of the section, township, and range numbers on the map. In	al Survey, 1930 Consta ald show the location of if the section must be s on, the section lines and	ant Avenue, Un the presently a shown. The pre d the section co	niversity of Kansas, authorized point(s) of esently authorized planers and show the	Lawrence, f diversion. lace of use appropriate
	a.	If a	a change in the location of the point(s) of divers	ion is proposed, show:			
		1)	The location of the proposed point(s) of diversements be shown. Please be certain that the Paragraph Nos. 9, 10 and 11 of the application	information shown on t			
		2)	If the source of supply is groundwater, plead domestic wells, within ½ mile of the propose mailing address of the property owner or own	d well or wells. Identify	each well as to	its use and furnish	name and
		3)	If the source of supply is surface water, the and $\frac{1}{2}$ mile upstream from your property lines		resses of all lan	ndowner(s) ½ mile d	ownstream
	b.		a change in the place of use is desired, show ertain that the information shown on the map agr				
17.	loca wel	al so I log	documentation to show the change(s) propose cource of supply as to which the water right relags, test hole logs, and other information as neobelow.	ites. This information n	nay include state	ements, plats, geolo	gy reports,
18.	ide:	ntify uest	proposed change(s) does not meet all applicable the rules and regulations for which you request should be granted. Attach documentation should be granted the public that are the public t	est a waiver. State the owing that granting the i	reason why a	waiver is needed a	nd why the

Add Sheets 6. The presently authorized point(s) of diversion (is) (are) 7. The proposed point(s) of diversion (is) (are) List all presently authorized point(s) of diversion: (Continued)Presently authorized point of diversion: We 11#8 NESWNW One in the Quarter of the Quarter of the Section 79, Township 23 South, Range Quarter (EAW). in RENO County, Kansas, 3946 feet North 4478 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ (DWR use only: Computer ID No. _______ GPS ______ feet North _____ feet West) ☐ This point will not be changed ☐ This point will be changed as follows: Proposed point of diversion: (Complete only if change is requested) One in the Quarter of the Quarter of the Quarter of Section _____, Township _____ South, Range ____ (E/W) in _____ County, Kansas, ____ feet North ____ feet West of Southeast corner of section. (E/W). Proposed Rate Proposed Quantity This point is: Additional Well Geo Center List other water rights that will use this point Presently authorized point of diversion: We // #9 NC NW & Quarter of the ____ Quarter of the ____ One in the in <u>RENO</u> County, Kansas, <u>4098</u> feet North <u>4085</u> feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ (DWR use only: Computer ID No. ________ GPS _______ feet North ______ feet West) This point will not be changed This point will be changed as follows: Proposed point of diversion: (Complete only if change is requested) One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, ____ feet North _____ feet West of Southeast corner of section. Proposed Rate Proposed Quantity This point is:
Additional Well Geo Center List other water rights that will use this point

8.

of Section

Presently authorized	·····			
One in the	Quarter of the		Quarter of the	Quarter
of Section	, Township		South, Range	(E/W),
in	County, Kansas,	feet North	feet West of So	outheast corner of section.
Authorized Rate	Authorized Quant	ity	_	
(DWR use only: Cor	nputer ID No	GPS	feet North	feet West)
☐ This point will no	t be changed 🔲 This point	will be changed a	s follows:	
Proposed point of di	version: (Complete only if ch	ange is requested	<u>n</u>	
One in the	Quarter of the _		Quarter of the	Quarter
of Section	, Township		South, Range	(E/W),
in	County, Kansas,	feet North	feet West of So	outheast corner of section.
Proposed Rate	Proposed Quantit	y		
Tropodod Mate				

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARE SEIVED

RN 021

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

Dated at Hutchiwson	, Kansas, this _	13 th day of <u>April</u>	, 2016
En I Phorhi			
EVAN 1. Massie		(Spouse)	
(Please Print)		(Please Print)	
(Owner)		(Spouse)	
(Please Print)		(Please Print)	
(Owner)		(Spouse)	
(Please Print)		(Please Print)	
State of Kansas County of Rend	٠		J
I hereby certify that the foregoing application w	as signed in my p	resence and sworn to before me this	
NOTARY PUBLIC - State of Kansas TERESA A. LONG My Appt. Exp. 4-19-18 My Commission Expires		Teresa A. Notary Public	ng

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

(1)	Application to change a point of diversion 300 feet or less. Application to change a point of diversion more than 300 feet Application to change the place of use Application to change the use made of the water	. \$1	100
(2)	Application to change a point of diversion more than 300 feet	\$2	200
(3)	Application to change the place of use	\$7	200
(4)	Application to change the use made of the water	\$:	300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

APR **2 5** 2016

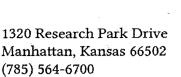
Equus Beds Groundwater Management District No. 2 Abandoned Well Plugging Agreement

I, RANDY SE HAWE FOR CARGILITY, the undersigned and owner of an abandoned water well

understand that an abandoned water well is a groundwater contamination threat and a public health and safety hazard.	
The abandoned water well is located NC & 2, NW, Section 9, Township 23 South, Range 5 East/West) & County which is approximately 4083 feet from/south and 3140 feet east/west of the apparent 5 section corner. Total well depth is 63 feet and the diameter of the well is 16 inches. Current depth to static water level in the well is 13 feet below land surface. The well was previously authorized by water permit no. RN 020.	
I agree to properly plug the abandoned well pursuant to the Equus Beds Groundwater Management District rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207 and the following agreement provisions:	
1. Well plugging operations will be supervised by either (a) a water well contractor licensed with the Kansas Department of Health and Environment, (b) a profession engineer or geologist licensed to practice in the State of Kansas, or (c) the abandoned water well owner or land owner of the property on which the water well or borehole is located.	
2. The above described well will be plugged: a) by, 20, or b) within 30 days after the replacement well, approved by a change in point of diversion, becomes operational.	•
 A completed WWC-5P form will be submitted to the Kansas Department of Health and Environment within 30 days after the abandoned well is plugged and a copy of the WWC- 5P form will be furnished to the District within the same period of time. 	
4. The well owner or authorized agent will notify the District 48 hours before plugging operations occur.	
 Failure to comply with the provisions of this agreement shall constitute noncompliance of the groundwater management district rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207. 	
Dated this 29th day of July , 2016 at 5:00p.m. Reno Co., Ks.	
Dated this 29th day of July , 2016 at 5:00p.m. Reno Co., Ks. Signature Dug Dodson Darling D	rilling
Address 3916 West 56th Avenue	7
City, State, Zip Code Hutchinson, Ks 67502	
Telephone <u>620 - 662 - 7901</u>	
State of Kansas County of RENO	1
Subscribed and affirmed to before me this 29 th day of	
by Decese Decision (Notary Public) My Commission Expires 2-6-2017 NOTARY PUBLIC - State of Kansas TERESA DODSON My Appt. Exp. 2-6-17	
F:\MSOFFICE\LETTERS\PLUG\^PLUGGING_AGREEMENT_FORM DOC Revised 25 Oct 2005 Form file – 112 321	:
LI/OWE PO	1 600

WATER RESOURCES RECEIVED

AUG 0 8 2016





900 SW Jackson, Room 456 Topeka, Kansas 66612 (785) 296-3556

Jackie McClaskey, Secretary

(785) 564-6700

Governor Sam Brownback

August 24, 2016

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO 2 ATTN TIM BOESE - MANAGER 313 SPRUCE HALSTEAD KS 67056

FILE COPY

Re: Vested Right, File No. RN 020

Dear Mr. Boese:

In response to Steve Flaherty's August 23, 2016 E-mail, the Chief Engineer has extended the time in which to submit a recommendation concerning the above referenced file.

At your request the Chief Engineer has delayed any further action until September 23, 2016.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland

Environmental Scientist

Water Appropriation Program

LI:li

Stafford Field Office pc:

SCANNED

Water Rights and Points of Diversion Within 1.00 miles of point defined as:
4023 ft N and 3140 ft W of the SE Corner of Section 19, T 23S, R 5W
Located at: 97.914283 West Longitude and 38.039535 North Latitude

PROPOSOD PD FILE NO. RNOZO

======		-===	=====		=====	===	====					====	====					====	=
File Nu	umber	Use	ST S	R Dis	t (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	qwT	Rng	ID	Batt Auth_Quan	Add_Quan	Unit	=
A	3919 00	MUN	NK C	3	3729		NE	NW	SW			18	23	5W	3	7232.14	4132.56	AF	
A 4	41006 00	IND	KK C	3	4926		NW	NE	SW	2400	3800	20	23	5W	3	140.00	140.00	AF	
A 4	44556 00	THX	NK C	3	5184		SE	SE	NE	3243	584	18	23	5W	4	24.02	24.02	AF	
A 4	44932 00	IND	KK C	3	4926		NW	NE	SW	2400	3800	20	23	5W	3	83.30	83.30	AF	
A 4	46103 00	REC	NK C	3	3496		SW	SE	SW	600	3850	19	23	5W	11	11.50	11.50	AF	
A 4	46104 00	REC	NK C	3	3992		SW	SE	SW	84	3790	19	23	5W	12	38.70	.00	AF	
A 4	46105 00	REC	NK C	3	4215		SE	NW	SE	1923	1582	24	23	6W	7*	14.95	14.95	AF	
A 4	46106 00	REC	NK C	3	4215		SE	NW	SE	1923	1582	24	23	6W	7	70.45	.00	AF	
A 4	46107 00	REC	NK C	}	4286		NE	NW	SE	2411	1899	24	23	6W	8	67.00	.00	AF	
A 4	46152 00	REC	LR C	3	4230		SE	NW	SE	1600	1395	24	23	6W	6	70.45	.00	AF	
T2006	69038 00	CON	GY C	3	3087		SW	NW	SE	1600	2000	18	23	5W	5	970.00	970.00	AF	
VRN	3 00	MUN	AA C	3	3729		NE	NW	SW			18	23	5 W	3	3099.58	3099.58	AF	
VRN	10 00	IRR	AA C	3	2708		NE	SW	SE	1103	1831	18	23	5W	1	30.00	30.00	AF	
Same					3087		SW	NW	SE	1600	2000	18	23	5 W	5				
VRN	19 00) IND	AA C	3	5252		NE	NW	SW	2210	4500	17	23	5W	5	696.02	696.02	AF	a St
VRN	20 00) IND	AA C	3*	972	NC	S2	N2	NW	4338	4054	19	23	5 W	2	3682.66	3682.66	AF	3683 N
Same					57		NC	E2	NW	4083	3140	19	23	5W	5	· PLUG	ଟେତ •		
Same					1348		NE	SW	NW	3946	4478	19	23	5W	7				
Same					1420	NC	N2	N2	NW	5090	4077	19	23	5W	10				
Same					948			NC	NW	4098	4085	19	23	5W	13				
======	======		====		=====	===	===:	====	====		=====	====			====	=========	.=======	====	=
Total 1	Net Quai	ntiti	es Au	ıthori	zed:	Di	rect	t		Sto	orage								
Total I	Request	ed Am	ount	(AF)	=		.00	0			.00								
Total 1	Permitte	ed Am	ount	(AF)	=	119	3.3	0			.00								
Total :	Inspect	ed Am	ount	(AF)	=		.00	0			.00								
Total 1	Pro_Cer	. An	ount	(AF)	=		.00	0			.00								
Total (Certifi	ed Am	ount	(AF)	=	418	3.0	3			.00								
_																			
Total '	Vested	Αn	ount	(AF)	=	750	8.2	6			.00								
Total TOTAL		Am	ount	(AF) (AF)			8.20 4.6				.00								

An * after the source of supply indicates a pending application for change for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery. The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

97.914283 West Longitude and 38.039535 North Latitude

GROUNDWATER ONLY

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR Move Less TWN 300 FT.

A__ 3919 00 MUN NK G

> CITY OF HUTCHINSON

- S CITT OF HOTCHINSON
- > BRIAN CLENNAN DIR UTIL
- > PO BOX 1567
- > HUTCHINSON KS 67504

An \star after the ID indicates a 15 AF exemption was granted for the file number.

Randy Schawe

From:

Ireland, Leslie < Leslie.Ireland@ks.gov>

Sent:

Wednesday, August 03, 2016 4:02 PM

To:

Randy Schawe

Subject:

RE: Water Well Change under Vested Right, File No. RN 020

Randy,

It appears that Greg is acting as your agent to complete the project so I think it would be fine. Please remember to drop the original in the mail to me.

Division of Water Resources - Leslie Ireland Kansas Department of Agriculture 1320 Research Park Drive Manhattan, Kansas 66502-5000

Thank you for getting that done.

Leslie Ireland, Environmental Scientist II Kansas Department of Agriculture Division of Water Resources - Change Unit (785) 564-6633 Leslie.Ireland@ks.gov www.agriculture.ks.gov

From: Randy Schawe [mailto:Randy Schawe@cargill.com]

Sent: Wednesday, August 03, 2016 3:59 PM

To: Ireland, Leslie

Subject: RE: Water Well Change under Vested Right, File No. RN 020

Leslie,

Sorry for the delay in getting this back to you. Darling Drilling is who we will be working with to plug and abandon this well. I sent the form to them to help with the information at the top about the well. Greg went ahead and signed it, had it notarized, and sent it back. That is what is attached.

Is this acceptable since they will actually be doing the plugging? Do you need it completed by Cargill instead? If so, please just let me know.

I will send this in the mail to you.

Thank you,

Randy Schawe

Sr. Environmental Health and Safety Professional Salt

Cargill

150 years of helping the world thrive

WATER RESOURCES RECEIVED

AUG 0 8 2016

KS DEPT OF AGRICULTURE

direct: 620-669-2145 | mobile: 620-200-7030

From: Ireland, Leslie [mailto:Leslie.Ireland@ks.gov]

Sent: Thursday, July 28, 2016 1:25 PM

To: Randy Schawe

Subject: Water Well Change under Vested Right, File No. RN 020

Randy,

I have been assigned your application for change in point of diversion for Cargill's Vested Right, RN 020 that will move the water well approximately 60 feet to the South from its current location

The attached Equus Beds Groundwater Management District No. 2 form is required for plugging the well which will no longer be used.

Please complete the information on the well depth etc., and the date it will be or was plugged.

This form needs your original signature in the presence of a notary.

The completed form may be mailed to me at:

Division of Water Resources - Leslie Ireland Kansas Department of Agriculture 1320 Research Park Drive Manhattan, Kansas 66502-5000

Upon receipt of this form the application will be further processed.

Should you have any questions please do not hesitate to contact me.

Leslie Ireland, Environmental Scientist II Kansas Department of Agriculture Division of Water Resources - Change Unit (785) 564-6633 Leslie.Ireland@ks.gov www.agriculture.ks.gov

Ireland, Leslie

From:	Conant, Cameron
Sent:	Wednesday, August 31, 2016 10:24 AM
To:	Ireland, Leslie; Turney, Brent; Lanterman, Jeff
Subject:	RN-20 pending short move pd change

Leslie, this application came up while you were out. It was a short move change (60') that was filled out on the HQ change application form.

Looks like you had worked with the applicant to get the required plugging agreement.

This doesn't need a GMD recommendation and doesn't need a FO recommendation. <u>Looks like this application is ready</u> for the order to be drafted and sent out for approval.

I will tell Steve F at GMD#2 that we don't need their recommendation and the application will be moving forward for approval.

Let me know if I'm missing something with this application.

Thanks,

Cameron

Ireland, Leslie

From:

Ireland, Leslie

Sent:

Tuesday, June 21, 2016 9:31 AM

To:

Conant, Cameron

Subject:

RE: Vested Right, File No. RN 020

Ok.. Thanks for the direction.

From: Conant, Cameron

Sent: Monday, June 20, 2016 1:28 PM

To: Ireland, Leslie

Subject: RE: Vested Right, File No. RN 020

Leslie, go ahead and process it normally. If you think there is an issue and we need to inspect before this change is processed/approved, let me know.

If you think the change currently filed can be worked w/out a compliance check, I'd prefer to do it that way. Then, when it's approved, hopefully we can get out there and clean up the several previous changes that needed compliance inspections.

Sound good?

Cameron

From: Ireland, Leslie

Sent: Friday, June 17, 2016 2:24 PM

To: Conant, Cameron

Subject: Vested Right, File No. RN 020

Cameron,

I am looking at the requested change in PD for this file that has 6 wells for industrial use.

Do you guys want to do a Compliance Investigation? It had a change in PD in 2012, and hasn't been inspected in like forever.. but don't know your folks schedules or what fore. Anyway, thought I'd check with you. It is in East Hutchinson.

Leslie Ireland, Environmental Scientist II Kansas Department of Agriculture Division of Water Resources - Change Unit (785) 564-6633 Leslie.Ireland@kda.ks.gov www.agriculture.ks.gov



1320 Research Park Drive Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700 Fax: (785) 564-6777 Email: ksag@kda.ks.gov www.agriculture.ks.gov

Sam Brownback, Governor

CARGILL INC PO BOX 1403 HUTCHINSON KS 67504

April 27, 2016

RE: File No. RN 20

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

place of use	PD
point of diversion	
use made of water	

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

BAT: DLW

pc: STAFFORD Field Office GMD 2

